

REMARKS

Claims 1-10 are pending in this application, Claims 1, 2, and 5-10 are rejected and Claims 3 and 4 are objected to. Reconsideration and allowance of all the rejected claims are respectfully requested in view of the following remarks.

Election/Restrictions

Applicant thanks the Examiner for acknowledging the Applicant's election with traverse of Species A, on which Claims 1-10 are readable, filed on January 28, 2009. The Examiner has withdrawn the Election/Restriction Requirement of December 23, 2008.

Priority

Applicant thanks the Examiner for acknowledging the Applicant's claim of foreign priority under 35 U.S.C. 119, as well as receipt of the certified copy of the priority document.

Drawings

Applicant thanks the Examiner for accepting the drawings which were filed with the Application on June 8, 2006.

Information Disclosure Statement

Applicant thanks the Examiner for acknowledging the Information Disclosure Statements filed on June 8, 2006, and October 5, 2006, as evidenced by the initialed PTO Forms SB/08.

Specification

The Examiner has requested Applicant's assistance in determining if there are minor errors in the specification.

Allowable Subject Matter

Claims 3 and 4 are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1, 2 and 5-10 under 35 U.S.C. 102(b) as allegedly being anticipated by Japanese Patent Application Publication No. 2003-326756A to Hisanobu (hereinafter "JP '756"). For the following reasons, this rejection is respectfully traversed.

Response

Independent Claims 1 and 7 of the present invention have been amended to recite that the heat generation body is formed on the substrate. Claims 1 and 7 of the present invention have also been amended to recite that the discharge electrode is provided with a discharge generating portion where an electric discharge is caused by being heated by said heat generating body. In addition, in Claims 1 and 7 of the present invention, Applicant has specified that a surface on which said discharge generating portion 14 of said discharge electrode 5a is disposed is not flush with a surface on which said driver IC 6 is disposed.

In JP '756, on the other hand, as is clear from Figures 1 and 2, the entirety of a comb-shaped discharge electrode 1 is formed on the surface of a dielectric 3. Moreover, although a

switching circuit (unnumbered) corresponding to a driver IC is schematically shown in Figure 1 of JP '756, it is not shown or described in connection with Figure 2, and there is no teaching or suggestion in the Abstract (which was relied on by the Examiner) that "a surface on which said discharge generating portion of said discharge electrode is disposed and a surface on which said driver IC is disposed are not flush with each other", as recited in Applicant's Claims 1 and 7. If, for instance, the switching circuit according to Figure 1 and the surface of the dielectric 3 of JP '756 are flush with each other, a surface on which a discharge generating portion of a discharge electrode is disposed and a surface on which a driver IC is disposed would also be flush with each other. Therefore, the configuration of JP '756 is completely different from Applicant's invention as recited in Claims 1 and 7.

For the above reasons, it is respectfully submitted that Claims 1 and 7 of the present invention are patentably distinct over any reasonable interpretation of JP '756.

Claim 2 of the present application has been amended to recite that a discharge generating portion of a discharge electrode is an end-surface type in which said discharge generating portion of said discharge electrode is disposed at an end surface part of said substrate.

In JP '756, as is clear from Figures 1 and 2, the entirety of a comb-shaped discharge electrode 1 is formed on the surface of a dielectric 3 and it is not described or indicated that a discharge portion of said discharge electrode is disposed at an end surface part of said substrate, as recited in Claim 2 of the present invention.

Claims 3 and 4 are patentable for the reasons given above with respect to Claim 1, as well as being separately patentable if rewritten in independent form, as indicated by the Examiner.

Claim 5 of the present application depends from Claim 1 and is therefore patentable at least based on its dependency.

Claim 6 of the present application was amended to recite that a "head substrate" is such that said heat generation portion and said discharge portion are formed on said substrate, and is therefore separately patentable over JP '756, in addition to its dependency on patentable Claim 1.

The fact that the head substrate is such that said heat generation portion and said discharge portion are formed on said substrate is clear from the description of page 13, lines 3 through 4 of the original specification; that is, the description of "[t]he head substrate is formed by forming the discharge portion and the heat generation portion on a hard substrate made of, for example, ceramic", and Figure 5 of the original Figures.

Claims 8-10 of the present application are patentably distinct for the reasons given above with respect to Claim 7, as well as based on the recitations set forth therein.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No.: 10/582,105

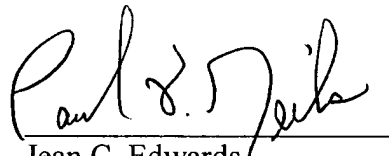
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CONCLUSION

If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact one of the undersigned attorneys at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul F. Neils", is written over a horizontal line.

Jean C. Edwards

Registration No. 41,728

Paul F. Neils

Registration No. 33,102

(57362)

AKERMAN SENTERFITT

8100 Boone Boulevard

Suite 700

Vienna, VA 22182-2683

Telephone: 703-394-1380

Facsimile: 703-394-1399

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